

PATENT COOPERATION TREATY

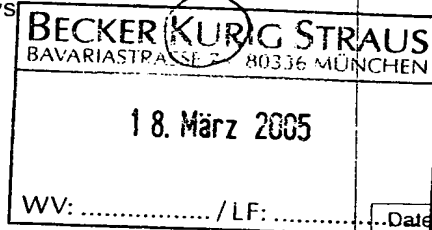
Rec'd CT/PTO 20 JUN 2005

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

European Patent Attorneys
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NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

53040 WD

Date of mailing
(day/month/year)

17.03.2005

Applicant's or agent's file reference
NC 32019 PCT

IMPORTANT NOTIFICATION

International application No.
PCT/B 02/05553

International filing date (day/month/year)
20.12.2002

Priority date (day/month/year)
20.12.2002

Applicant
NOKIA CORPORATION et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/B/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

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REC'D 18 MAR 2005

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Rec'd PCT/PTO 20 JUN 2005



Applicant's or agent's file reference NC 32019 PCT		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IB 02/05553	International filing date (day/month/year) 20.12.2002	Priority date (day/month/year) 20.12.2002	
International Patent Classification (IPC) or both national classification and IPC H04Q7/32			
Applicant NOKIA CORPORATION et al			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 10 sheets, including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☐ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 06.07.2004	Date of completion of this report 17.03.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Aullo Navarro, A Telephone No. +49 89 2399-2267 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB 02/05553

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-16 as originally filed

Claims, Numbers

1-15 as originally filed

Drawings, Sheets

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 1-15

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1-15 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:

☐ restricted the claims.

☐ paid additional fees.

☐ paid additional fees under protest.

☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

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☐ complied with.

☒ not complied with for the following reasons:

see separate sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

☒ all parts.

☐ the parts relating to claims Nos. .

III. Non-establishment of opinion:

1. The application contains four independent method claims (Claims 3, 8, 12 and 14) of overlapping scope. Thus, the claims as a whole are not clear and concise, and the requirements of Article 6 PCT are not met. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

The claims should have been recast to include only the minimum necessary number of independent claims in any one category, Rule 6.1(a) PCT, with dependent claims as appropriate, Rule 6.4 PCT.

In the present case it is considered appropriate that only one independent claim in the method category (together with the single independent system Claim 1) should have been used.

Hence, independent Claims 3, 8, 12 and 14 do not meet the requirements of Article 6 PCT.

2. Furthermore, the clauses preceded by the expression "in particular" in Claims 3, 8, 12 and 14 are vague and unclear, and leave the reader in doubt as to the limiting character of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claims unclear (Article 6 PCT). They should have thus been replaced by clauses (for instance, the same clauses without "in particular") imposing clear limitations on the technical features referred to, or else they should have been removed (together with the unclear technical features affected by their presence) from the claims, if they were meant to merely represent entirely optional features that could have been made the subject-matter of corresponding dependent claims, instead (PCT Guidelines 5.40).
3. Claim 8 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The claim attempts to define the subject-

matter in terms of the result to be achieved ("to enable a personalized multi-user usage ..."), which merely amounts to a statement of the underlying problem, without providing the technical features necessary for achieving this result.

4. The terms "individual" [information] and "logical" [communication devices] used in the claims are vague and unclear and, since they have no well-recognised meaning, they leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of the claims unclear, Article 6 PCT.
5. Furthermore, Claim 8 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The functional statements "providing logical communication devices" and "assigning logical communication devices" do not enable the skilled person to determine which technical features are necessary to perform the stated functions (i.e., how the stated provision and assignment is actually carried out).

Moreover, the meaning and purpose of the stated functions is unclear, as it is not possible to understand why and what for (at least) two logical devices are provided in a communication device in order to assign one of them to the communication device, when all the logical devices are already associated with one and the same communication device in which they are provided.

As a consequence, the use of these statements in Claim 8 also leaves the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claim unclear, Article 6 PCT.

6. A similar objection applies also to the expression "using the identity" employed in Claim 12 which also has no well-recognised meaning, leaving the reader in doubt as to the meaning of the technical features to which it refers ("using" being a vague and broad term of unclear meaning, while "the identity" is an undefined feature) and thereby rendering the definition of the subject-matter of Claim 12 unclear, Article 6 PCT.

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7. Moreover, Claim 8 and its dependent Claims 9 and 11 are unclear, due to the lack of a proper antecedent for "the second communication device" in Claim 9 and for "the user" (of which device?) in Claim 10. In this respect, it is noted that Claim 8 refers only to one ("the") "communication device", which renders the references in Claim 9 to two ("first" and "second" communication devices unclear).
8. As a consequence of the numerous clarity objections signalled above, the claims are so unclear in their present form that no meaningful opinion could be formed on novelty and inventive step in respect of their subject-matter (Article 34(4)(a)(ii) PCT).
9. However, although a detailed examination of the claims is not practicable, some general comments in respect of novelty and inventive step can be made on the subject-matter of the application in the light of the following documents, to which reference is made:

D1: EP-A-0 378 450

D2: US-A-5 524 276

D3: WO-A-02 23933

D4: WO-A-02 21867
10. In this respect, it is not clear what inventive contribution has been made by the system and method according to the present application over the teachings in any one of documents D1 to D4 (see the passages cited in the International Search Report), which already anticipate the essential features of the present claims, namely the storage in a single communication device of individual information representative of the identity of other different communication devices to allow the single communication device to gain direct access to the individual information from one of the other communication devices when both communication devices are connected to each

other, in order for the single communication device to be representative of one of a number of possible logical communication devices corresponding to the other different communication devices, thereby enabling "personalized multi-user usage" of that single communication device .

The subject-matter of the present claims is hence deemed to lack an inventive step (Article 33(3) PCT). Therefore, it appears at present that the application does not meet the requirements of Article 33(1) PCT.

11. In addition, **certain defects** in the International Application are noted in the following:
- 11.1 The independent claims are not properly cast in the two-part form (Rule 6.3(b) PCT), with a pre-characterizing portion correctly reflecting the features which in combination are known from any one of documents D1-D4 (the one which, following from the amendments that should have been introduced, had become the most relevant prior art).
- 11.2 The cited documents D1 to D4 are not acknowledged and briefly discussed in the opening part of the description (Rule 5.1(a)(ii) PCT), so as to put the invention into the proper perspective.
- 11.3 The statement of problem in the introductory part of the description has not been revised in the light of the disclosure of said documents D1 to D4 (PCT Guidelines II-4.4 and II-4.6).
-

IV. Lack of unity:

1. The formulation of independent Claims 1, 3, 8, 12 and 14 is such that they lack the link necessary to establish unity of invention (Rule 13.1 and 13.2 PCT), since the claims do not share at present a "single general inventive concept", expressible in terms of the "same or corresponding technical features", as required by Rule 13.2

PCT.

1.1 The following separate inventions can thus be identified in the present application:

- 1) Information exchange between two communication devices, wherein the second communication device is arranged to store information acquired from the first communication device and to compare the stored information with the information contained in the first communication device (Claims 1-7).
- 2) Provision of at least two logical communication devices in a single communication device that is assigned to one of the logical devices (Claims 8-11)
- 3) Maintenance of a connection between two communication devices in active state when the one of the two communication devices which is connected to a telecommunications network is made passive (Claims 12-13)
- 4) Forwarding of data received from a telecommunications network at a communication device to another communication device when both devices are connected via a data link and the former uses the identity of the latter for the access to the telecommunications network (Claims 14-15)

1.3 Since their common features merely correspond to the conventional scenario represented by a system that comprises two communication devices each capable of communicating with a telecommunications network and both being connectable to each other via a data link, which is generally known in the prior art (as acknowledged also by the Applicant in the introductory part of the description), and the remaining features are not only different, but represent separate solutions to different technical problems, the above-identified groups of claims represent separate inventions that are not linked by a single general inventive concept, contrary to the regulations of Rule 13.2 PCT.

2. However, this lack of unity is deemed to be mainly a formal problem resulting from the clarity problems indicated in Section III above. The introduction of the amendments necessary to overcome the above objections as to lack of clarity would have

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probably rendered moot this non-unity objection at the same time.

3. For instance, a possibility to avoid this objection as to lack of unity would have been the use of the dependent form for the additional functions associated to the operation of the communication system claimed in the present independent method independent claims. Alternatively, a single independent method claim could have been filed including all the functional features that the communication system according to the present application should have (i.e., as essential technical features that are necessary to solve all three technical problems identified in the description).